

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figure 4. This sheet replaces the original sheet of Figure 4.

Attachment: Replacement sheet

REMARKS

Claims 1-36 are pending in the present application. By virtue of this response, claims 8, 10, 11, 12, 16, 17, 18, 33, 34, and 36 have been amended. Accordingly, claims 1-36 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Sequence Listing

Applicants thank the Examiner for confirming that the Sequence Listing filed on May 31, 2005 is approved.

Objection to the Drawings

Figure 4 is objected to because the second set of brackets in the second reactant and in the reaction product embrace an amidated amino acid repeating unit rather than an amino acid repeating unit.

In response, a corrected drawing with the bracket placed in the appropriate location (between the carbonyl and NH group) is submitted. Applicants submit that this resolves the objection, and respectfully request withdrawal of the objection.

Objection to the Disclosure

The disclosure stands objected to because of the following informalities: at page 10, line 17, "basement" is misspelled. At page 11, line 11, end quotation marks are missing after "Delivery enhancement". At page 13, line 9, it may be that "peptide" (second occurrence) should instead be "subunit". At page 28, line 22, "chloroacetic" is misspelled. At page 28, line 26, "chloroacetate" is misspelled. At page 61, line 14, "bt" should be changed to "by". At page 61, line 30, "affect" should be changed to "effect".

In response, the paragraph on page 13, lines 4 to 10 has been amended to clarify what was intended by the second occurrence of the word "peptide." The remaining informalities have

been corrected. Additional typographic errors in other parts of the specification have also been corrected. Applicants respectfully request withdrawal of the objections.

Rejection of Claims Under 35 U.S.C. 112, Second Paragraph

Claims 10-18 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 and 16 were rejected for lack of antecedent basis for the phrase “the biologically active compound.” In response, the words “biologically active” have been struck from the phrase “the biologically active compound” in claims 10 and 16, so that the remaining term “the compound” finds antecedent basis in claim 1.

Claims 10 and 16 were rejected for lack of antecedent basis for the phrase “the linking moiety.” In response, the phrase has been changed to “the linker” in claims 10 and 16, which finds antecedent basis in claim 1.

Claim 10 was rejected as incomplete and thus indefinite. In response, the following limitation has been added: “R⁷ and R⁸ are independently hydrogen or alkyl.” This limitation is supported at page 27, lines 10-11 of the specification.

Claim 12 was rejected as indefinite for reciting that Y is N, which leaves the third valence unspecified. This has been corrected to “Y is NH,” which is a correction of an obvious error.

Applicants submit that the above corrections resolve the rejection, and withdrawal of the rejection is respectfully requested.

Objections to Claims

Claims 8, 10-13, 16-18, 33, 34, and 36 stand objected to because of the following informalities: At claim 8, line 1, “a” (second occurrence) should be changed to “at”. At claim 10, line 2, “or” should be changed to “and”. At claim 10, line 17, and claim 16, line 14, “R₆” should be changed to “R⁶”. At claim 11, line 3, and claim 17, line 3, a comma should be inserted after “phosphonate”. At claim 18, line 1, “R₄” should be changed to “R⁴”. At claim 34, line 3, “dilate”

and “anesthetic” are misspelled. At claim 33, line 4, “pseudotumor” was misspelled as “psudotumor.” At claim 34, line 7, the second comma occurring after “anticholinesterase agents” should be deleted. At claim 36, line 1, “across” is misspelled.

Appropriate corrections have been made. Addition misspellings have been corrected in claims 33 and 34. Applicants respectfully request withdrawal of the objections.

Double Patenting

Claims 1-7, 9, 10, and 14-36 stand rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 29-33, 40-58, and 88 of U.S. Patent No. 6,669,951.

In response, Applicants submit a terminal disclaimer over U.S. 6,669,951, which obviates this rejection, and respectfully request withdrawal of the rejection.

Claims 1, 4, 7, 9, 10, 13-16, 18, 22, and 24-35 stand rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-30 of U.S. Patent No. 6,593,292.

In response, Applicants submit a terminal disclaimer over U.S. 6,593,292, which obviates this rejection, and respectfully request withdrawal of the rejection.

Claims 1-7, and 9-36 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 32-61 of copending Application No. 10/740,365.

In response, Applicants submit a terminal disclaimer over co-pending Application No. 10/740,365, which obviates this provisional rejection, and respectfully request withdrawal of the rejection.

Allowable Subject Matter

The Applicants thank the Examiner for indicating that claim 8 would be allowable if rewritten to overcome objection set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

As all rejections and objections of the claims have been addressed above, it is believed that all claims are now allowable, and that re-writing claim 8 as an independent claim is no longer necessary for allowance of claim 8.

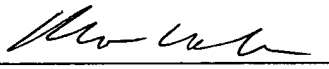
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 578562001721. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 14, 2006

Respectfully submitted,

By 
Robert K. Cerpa
Registration No.: 39,933
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5715

Attachment: corrected Figure 4